

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN RODRIGUEZ GARCIA, :
Plaintiff, : 10 Civ. 7804 (KBF)
-v- :
MEMORANDUM OPINION
& ORDER
BAE CLEANERS INC., et al., :
Defendants.:
-----X

KATHERINE B. FORREST, District Judge:

On March 15, 2012, the parties provided to this Court an executed settlement agreement (the "Agreement") that provided for a payment to plaintiff related to unpaid minimum wages and unpaid overtime compensation that is less than the full sum of liquidated damages mandated by the Fair Labor Standards Act ("FLSA"). See 29 U.S.C. § 216(b). An Order of March 26, 2012, directed the parties to provide the Court with the basis for its settlement calculations, so that the Court could scrutinize the Agreement for fairness. See Elliot v. Allstate Investigations, Inc., No. 07 Civ. 6078 (DLC), 2008 WL 728648, at *1-3 (S.D.N.Y. Mar. 19, 2008). Counsel for plaintiff submitted to the Court said basis on April 9, 2012.

"Typically, courts regard the adversarial nature of a litigated FLSA case to be an adequate indicator of the fairness of the settlement. If the proposed settlement reflects a

reasonable compromise over contested issues, the court should approve the settlement." Johnson v. Brennan, No. 10 Civ. 4712, 2011 WL 4357376, at *12 (S.D.N.Y. Sept. 16, 2011.) Here, both sides were represented by counsel and there were a myriad of contested issues throughout the litigation (which lasted approximately one and a half years). In fact, the settlement was agreed to on the eve of trial.

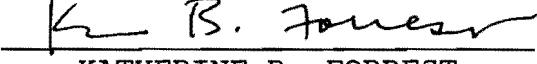
Under these circumstances, and having reviewed the basis for settlement calculations, the Court finds the Agreement reasonable and fair.

CONCLUSION

The Agreement is approved and this action is dismissed with prejudice. The Clerk of the Court is directed to terminate this action.

SO ORDERED:

Dated: New York, New York
April 12, 2012



KATHERINE B. FORREST
United States District Judge